



JACK O'CONNELL
State Superintendent of Public Instruction

**CALIFORNIA
DEPARTMENT
OF
EDUCATION**

1430 N Street

P. O. Box 944272

Sacramento, CA

94244-2720

TITLE 5. Education

California State Superintendent of Public Instruction

NOTICE OF PROPOSED RULEMAKING

Admissions Criteria for the California Schools for the Deaf and Blind

[Notice published October 3, 2003]

The State Superintendent of Public Instruction (Superintendent) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The Superintendent will hold a public hearing starting at 10:00 a.m. on December 2, 2003 at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The Superintendent requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Superintendent requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period closes at **5:00 p.m. on November 19, 2003**. The Superintendent will only consider written comments received by the Regulations Adoption Coordinator (in addition to those comments received at the public hearing). Written comments for the Superintendent's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 95814
Telephone: (916) 319-0641
E-mail: dstrain@cde.ca.gov

AUTHORITY AND REFERENCE

Authority: 5 CCR Section 3030(a); Sections 56350, 56352, 59001, 59020, 59101, 59102, and 59120, Education Code.

Reference: 5 CCR Section 3030(d); Sections 56350, 56352, 59001, 59020, and 59120, Education Code; 34 CFR Section 300.7 (c)(3), (c)(5), and (c)(13).

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

The State Superintendent of Public Instruction (SPI) proposes to adopt the regulations on Admissions Criteria for the California Schools for the Deaf and Blind. The SPI proposes to add Sections 17661, 17662, 17663, 17664, 17665 of Chapter 18, Subchapter 2, Article 1, and Sections 17666, 17667, 17668, 17669 of Chapter 18, Subchapter 2, Article 2.

Education Code section 59020 gives the SPI the authority to establish criteria for admission to the State Special Schools (Schools for the Deaf and Blind). The criteria establish which students should be admitted to the State Special Schools based on their ability to be served appropriately by the programs offered at the schools.

The State Special Schools are part of the public school system of the state and have for their purpose the education of the Deaf and Blind who, because of their severe hearing and severe sensory loss and educational needs, cannot be provided an appropriate education in the regular public schools (Education Code section 59001). The State Special Schools do not replace the role of the local school districts that have the responsibility to serve all students within their boundaries (Education Code section 48200). Clear admissions standards are necessary because only those students that can be appropriately served by the State Special Schools should be admitted to its instructional and residential programs.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed upon local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impact on a representative private person or business: The Superintendent is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: The superintendent has made an initial determination that the proposed regulatory action would not affect housing costs.

Affect on small businesses: The proposed regulations will have no affect on small business because they only apply to Local Education Agencies.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Superintendent must determine that no reasonable alternative considered by the Superintendent or that has otherwise been identified and brought to the attention of the Superintendent would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Superintendent invites interested persons to present statements or arguments regarding alternatives to the proposed regulations at the above-mentioned hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action should be directed to:

Ron Kadish, Director
California Department of Education
State Special Schools
1430 N Street, Second Floor
Sacramento, California 95814
Telephone (916) 327-3850

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator, or to the backup contact person, Najia Rosales, at (916) 319-0584.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the Superintendent may adopt the proposed regulations substantially as described in this notice. If the Superintendent makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the Superintendent adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The Regulations Adoption Coordinator will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.